

**BEFORE THE  
STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

**DOCKET**

**04-AFC-1**

**DATE**    MAY 12 2006

**RECD.**    MAY 12 2006

Application for Certification  
For the San Francisco  
Electric Reliability Project

Docket No. 04-AFC-1

**REQUEST FOR SUBPOENA OF NANCY KATYL  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

TO: Commissioner Boyd

Pursuant to Title 20 C.C.R. § 1203 (b), Intervenor Californians for Renewable Energy ( CARE) hereby applies to the Committee for issuance of a subpoena by the Commission compelling the attendance of Nancy Katyl, of the California Regional Quality Control Board, at the next scheduled hearing of this matter relating to the topic of alternatives , on March 22, 2006 at 9:00 a.m.. This request is based on the following facts.

1. Name of Witness:

Nancy Katyl, P.G.  
Engineering Geologist  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
E-Mail: nkatyl@waterboards.ca.gov

2. Materiality: As set forth in greater detail below, Ms. Katyl's testimony is necessary and material to rebut a number of incorrect statements made by the Applicants witnesses, Ms. Gallardo, Mr. Cheung, and Mr. Feldman of Geomatrix Consultants, Inc. in the April 3, 2006 Supplemental Testimony for the Application for Certification on Soil, Water, and Waste Management related to on site contamination. The supplemental testimony has identified the need to identify and implement the specific remedial and/or risk management measures that should be applied to the site through the appropriate regulatory process, but defers the performance of the Human Health Risk Assessment (HHRA), Screening-Level Ecological Risk Assessment (ERA), development of a Site Cleanup Plan (SCP) and Risk Management Plan (RMP) until after the projects development approval is granted by the CEC.

3. Necessity: Ms Katyl is needed to provide rebuttal testimony in the form of the description of the RWQCB's SLIC (Spills, Leaks, Investigations, and Cleanups) program, which is designed to cleanup the impacts of current or historic unauthorized

discharges, primarily to groundwater, but in some cases also to surface waters or sediments. The program issues cleanup orders that require investigations, source removals, set final cleanup standards, treatment and monitoring. Site Cleanup Requirements generally mandate a time schedule for specific tasks that must be performed by the responsible party(ies) to investigate and cleanup the site, and include public participation workshops prior to the RWQCB's approval of HHRA, ERA, SCP, and RMP. The SLIC Program is managed by the RWQCB's Toxics Cleanup Division. CARE has requested that the RWQCB make Ms. Katyl available at the regular meeting of the San Francisco RWQCB at its May 10, 2006 meeting in addition to a written request to Ms. Katyl by e-mail on May 9, 2006, which Ms. Katyl declined on May 10, 2006. Based on the reasons set forth in this request, good cause exists for the issuance of the subpoena because the testimony of Ms. Katyl is critical to these proceedings as the Committee must decide whether this project is feasible and cost effective in light of the cost of yet to be identified mitigation measures for onsite contamination. Accordingly, CARE respectfully requests the issuance of a subpoena to compel Ms. Katyl's attendance at the next scheduled Alternatives hearing in this matter on May 22, 2006.

Respectfully submitted,



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May 12<sup>th</sup> 2006

cc. Steve Hill, Division Chief, Toxics Cleanup Division  
[shill@waterboards.ca.gov](mailto:shill@waterboards.ca.gov)